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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,382	11/29/2000	Robert P. Hale	042390.P6770	7418

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

CONNOLLY, MARK A


ART UNIT

PAPER NUMBER

2115

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/733,382	Applicant(s) HALE, ROBERT P. 	
	Examiner Mark Connolly	Art Unit 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-15 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 5, 16 and 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-5 and 7-24 have been presented for examination.
2. Applicant's arguments with respect to claims 1-5 and 7-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7, 14-15 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Western Digital¹ [WD] in view of Gharda et al [Gharda] US Pat No 6564318.
5. Referring to claim 1, WD teaches the invention including generating a first signal defining a location and length of data in a memory, and the first signal having a cross-platform encoding, and storing the first signal such that it may be accessed by an application program. The web page is interpreted as a first signal and each downloadable file is interpreted as a second signal. The URL links (for example *Pcisci.exe*) define the addresses where the second signal can be downloaded from and the file size can be found below each URL. Because the first signal is in HTML format, it is interpreted that the first signal is cross-platform encoded. Furthermore, because the first signal is a web page, it is accessed by a web browser which is interpreted as an application program accessing a first signal.

¹ As provided in the previous Office Action

WD does not explicitly teach that the second signal comprises configuration settings for a computing system. In summary, WD only teaches a means to access device configuration settings via Internet. Gharda teaches accessing a BIOS from the Internet [col. 1 lines 63-66]. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of the WD system to allow access to BIOS data because it would increase the robustness of the system by additionally providing a means for the user to access the newest version of a BIOS for their system just as the system allowed the user access to the newest versions of device configuration settings.

It is obvious that in the WD-Gharda system that the second signal would be applied to the computing system upon at least one of a power-on and reset because the second signal is a BIOS and it is well known that a BIOS is applied to a system during both a power-on and a reset. Furthermore, it is interpreted that a BIOS comprises configuration settings for a computing system because it provides system configuration settings such as boot order, power management, processor and bus settings, hard drive configuration and settings, etc...

6. Referring to claims 2 and 3, WD teaches that a URL defines an address which allows the second signal to be accessed. By defining an address, WD inherently also teaches defining an offset in memory. Memory is made up of a plurality of storage banks and each of those banks each comprises their own address. Lets say for example that a particular memory has 256 storage banks. The address range for that memory would range from 0x00 – 0xFF where the addresses are in hexadecimal format. If data in the 250th memory bank were to be loaded, then data from address 0xFA would be loaded. It should be easy to see that 0xFA is an offset from the base memory address 0x00. Although WD teaches that the address provided by the URL

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defines the web address of the data to be downloaded, that address must eventually be translated into an offset so that the data can be loaded from memory.

7. Referring to claim 4, WD teaches an HTML web page which inherently comprises NAME and VALUE fields because NAME and VALUE fields are used in HTML coding.

8. Referring to claim 7, the web page from which the system configuration settings are downloaded from must be accessed by a web browser, which are well known to execute in cooperation with an operating system.

9. Referring to claim 14, this is rejected on the same basis as set forth hereinabove. WD and Gharda teach the method and therefore teach the article performing the method. Furthermore, it is inherent that the first signal must be generated from some source via instructions stored in a memory.

10. Referring to claims 15, 22 and 23, these are rejected on the same basis as set forth hereinabove. WD and Gharda teach the method and therefore teach the article and system performing the method.

11. Claims 8-13 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tate et al [Tate] US Pat No 6493751 in view of WD as applied above.

12. Referring to claim 8, Tate teaches transferring system configuration settings from a first computer to a second computer [col. 14 lines 38-46]. Tate does not though teach generating a first signal defining a location and length of the configuration setting and that the first signal is cross platform encoded. WD, as stated above, teaches a first signal that is cross-platform encoded and that also defines a location and length of configuration setting data stored on a first

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computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teachings of WD into the Tate system because Tate explicitly states that the configuration settings can be transferred to another computer through downloading it through a web site and WD teaches a web site which can be used to download those configuration settings. The profiles taught by Tate are interpreted as system configuration settings because they are settings which a system uses to connect to a network, the Internet, etc...

13. Referring to claim 9, WD teaches an HTML web page which inherently comprises NAME and VALUE fields because NAME and VALUE fields are used in HTML coding.

14. Referring to claim 10, the web page from which the system configuration settings are downloaded from must be accessed by a web browser, which are well known to execute in cooperation with an operating system.

15. Referring to claim 11, this is rejected on the same basis as set forth hereinabove. Using a first signal to transfer a second signal to a first computer from a second computer is interpreted as a first computer applying the first signal to read the configuration setting.

16. Referring to claim 12, Tate teaches that the system can import and export configuration settings to other computers [col. 14 lines 38-46]. In addition, the Tate system is also provided a means to edit the configuration settings [fig. 9]. This suggests that both a first and second computers can both send and receive configuration settings to and from each other and edit those configuration settings. Therefore the WD-Tate system implicitly teaches that the first computer, after receiving the configurations from a second computer, could alter some configurations and transmit the configurations back to a second computer system.

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17. Referring to claims 13 and 17-21, these are rejected on the same basis as set forth hereinabove. WD and Tate teach the method and therefore teach the article performing the method.

Allowable Subject Matter

18. Claims 5, 16 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (703) 305-7849. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C Lee can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PHONE NUMBERS WILL CHANGE COME OCTOBER 13th.


Mark Connolly (571) 272-3666

Thomas C Lee (571) 272-3667

Tech Center Main Number (571) 272-2100

Mark Connolly
Examiner
Art Unit 2115

mc
September 28, 2004


THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100